



Practice Notes:

Communication Technology & Ethical Practice: Evolving Issues in a Changing Landscape

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Practice Notes is designed as an educational tool to help Ontario social workers, social service workers, employers and members of the public gain a better understanding of recurring issues dealt with by the professional practice department and the Complaints Committee that may affect everyday practice. The notes offer general guidance only and members with specific practice inquiries should consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.

New communication technologies create significant opportunities for social workers and social service workers. They enable professionals to share information and to network, and they facilitate communication for administrative, research, educational and/or clinical purposes. At the same time, the ease and immediacy of these technologies pose some significant risks and challenges for members and their clients. Social workers and social service workers should ensure that they are technologically aware and competent, as their clients are likely to have embraced technology in step with the general population. Those practising with certain client groups (youth in particular) find themselves working with clients who are “digital natives” and have never known a world without the Internet. Many clients may therefore expect that their social worker or social service worker will communicate with them using technology such as e-mail, text messaging, Skype, Facebook or other social media.

Some members have begun to use these new technologies in their practice, either as the primary modality for the therapeutic work (in cyber counselling or e-counselling, for example) or solely for administrative purposes, to support their face-to-face clinical work with clients. In some instances, members may be practising in the absence of complete information about the technology or knowledge of best practices. They may also be working in the absence of agency policies or other specific guidelines.

The incremental adoption of new technologies with clients, without careful consideration of the potential risks and issues involved, has been referred to as a “slippery slope”¹ and can result in harm to clients as well as risk for members. This article addresses some of the questions

raised in practice calls to the Professional Practice Department. It addresses the use of e-mail and text messaging in communication with clients, the documentation related to this practice, and the advisability of developing a social media policy. The discussion is limited to the use of communication technologies as an adjunct to face-to-face work with clients, rather than as the primary mode of contact or intervention. Members are encouraged to review *Social Media and Practice: Protecting Privacy and Professionalism in a Virtual World*, Practice Notes which are available in the Resource Room on the College website www.ocswssw.org, for a discussion specific to social media and practice.

COMMUNICATING VIA TEXT MESSAGE OR E-MAIL

Some members have considered using text messaging or e-mail with clients in an effort to be more client centred and responsive, and because they find this mode of communication to be more administratively efficient. Consider the following scenario:

A member working in the school system contacted the Professional Practice Department because several of his clients had been texting him to book or change appointments. He also described one situation in which a client had texted him in the midst of a crisis. The member wanted to ensure that he was practising in accordance with College standards of practice when using these forms of communication with clients. He was also seeking guidance as to how he should document the interactions. The member said that most of his clients (who were high school students) used text messaging as their primary form of communication, and he found it increasingly difficult to reach them by phone as he had done in the past. He explained that some of his colleagues were strongly opposed to his use of text messaging with clients, but many used e-mail with some ambivalence.

Although members in a variety of settings may feel growing pressure from clients to use text messaging to communicate about administrative and other matters, those working with youth may feel this pressure most strongly. In the scenario above, the member would be wise to discuss his current practice and his concerns with his supervisor if

he hasn't done so already. The member must follow school board policy regarding such issues, but "(i)f there is a conflict between College standards of practice and a College member's work environment" the member's obligation is to the standards of practice.² College members employed by organizations must "maintain an awareness and consideration of the purpose, mandate and function of those organizations and how these impact on and limit professional relationships with clients".³ Additionally, College members employed by an organization should "... acquire and maintain a thorough understanding of the organization policies and practices relating to the management of client information ..." so that they are fully aware of "... when, how and the purposes for which the organization routinely collects, uses, modifies, discloses, retains or disposes of information".⁴

Text messaging (and sometimes e-mail, to a lesser degree) is an inherently casual form of communication. If members use text messaging with clients, they should carefully consider the tone of the language they use in texts or e-mails, as well as the timing of their responses and the locations from which they reply. What are clients' expectations regarding the immediacy of responses? Does this differ from their expectations with respect to phone calls? Does the client expect, as they might in their personal communication, that the member will be available to respond to texts at all times, or outside of regular working hours? Has the member considered the possible implications of a delay in responding to texts or e-mails from clients? What are the member's obligations if a client in crisis communicates via text or e-mail? Members should "provide clients with accurate and complete information regarding the extent, nature, and limitations of any services available to them".⁵ This discussion should include an explanation of how and when the member will use and respond to different forms of electronic communication.

Because text messages (and perhaps e-mails) are received on mobile devices, members may find themselves responding to clients outside their physical office/work setting. Members should consider whether by responding from different locations (home, transit, in the company of others, while on vacation, for example) they are setting up expectations on the part of the client for an immediate, even 24-hour, response. This may be a concern even if the client is not aware that the member is not in the office/work setting when responding. Member should be cautious about the potential for blurring of boundaries in these situations, and should be aware that they must at all times "establish and maintain clear and appropriate boundaries in professional relationships for the protection of clients".⁶

The use of text messaging and e-mail may also compromise clients' confidentiality and privacy.⁷ Neither form of communication is completely secure. Is the member using a personal device or one which belongs to their employer? If it is a personal device, have they considered the

implications of sharing client information in this way? If they are using a mobile device in a situation where they might previously have used a landline, is there a greater likelihood of the device being lost or stolen, thereby compromising clients' confidentiality? What kind of security are they using on their device, and has the member taken appropriate measures to protect their clients' privacy through passwords, encryption or other means? Members must ensure that they "comply with any applicable privacy and other legislation".⁸ They are strongly advised to review and follow any recommendations/ advisories from the Office of the Information and Privacy Commissioner which are applicable to the member's workplace⁹ and/or to consult with the privacy officer in their organization (if any) regarding such measures. Members must be guided at all times by the knowledge that they are obliged to "(hold) in strict confidence all information about clients"¹⁰ and "inform clients early in their relationship of the limits of confidentiality of information".¹¹

In addition to considering their own responsibility to maintain clients' confidentiality, members should ensure that they discuss these considerations with their clients. It is possible that clients have not given thought to these issues, particularly with respect to the potential sensitivity of their involvement with the member. The member may therefore wish to discuss whether others have access to the client's mobile phone, computer or other device. It may also be advisable to ask whether the client is using location-based services such as Foursquare to enable others to follow them through their mobile devices. If so, has the client considered the possible ramifications of this when they are attending an appointment with the member?¹²

DOCUMENTATION

Members may choose to limit their use of text messaging and e-mail to managing appointments. Even in these circumstances, they must consider whether and how they will retain e-mails or texts as well as how clients will be informed of these decisions. Members must "document services in a recognizable form in order to ensure the continuity and quality of service to establish accountability for and evidence of the services rendered".¹³ The tools or data used by the College member in developing a professional opinion may be or need not be included in the record... (but) (o)nce placed in the record... they become an integral part of that record."¹⁴ Members must use their judgment to decide whether it is appropriate to include e-mails or text messages in the record. Although members may intend to limit their use of text or e-mail to administrative matters, clients may not always understand or adhere to this practice. In some circumstances, it may be appropriate to include e-mails or text messages in the record. The member should therefore consider whether it is always feasible to limit communication to administrative matters, how they will respond in the event that a client communicates sensitive information via text or e-mail, and how they will handle and document such information.

Members must use their professional judgment to ensure that they “document the client’s situation/problem exactly” and include “information that is appropriate and useful to the understanding of the situation and the management of the case”.¹⁵ It may be relatively easy to print off an e-mail, but how will the member handle a sensitive text message? Most importantly, is the client aware that the member will include such information in the record? Members must ensure that they “inform clients of foreseeable risks as well as rights, opportunities, and obligations associated with the provision of professional services”¹⁶ and “inform clients early in their relationship of the limits of confidentiality of information”,¹⁷ including with respect to the record.

DEVELOPING A SOCIAL MEDIA POLICY

Members may wish to consider developing a “social media ethics policy” in order to protect their clients and themselves.¹⁸ This policy should address the member’s policies and practices with respect to commonly-used forms of electronic communication. The policy should explain the limits of their electronic communication, including when and how often the member will check and respond to texts or e-mails and for what purposes. Unless they are engaged in e-counselling/cybercounselling¹⁹, members should be explicit in their policy that they are limiting their use of text messaging or e-mail to administrative matters such as scheduling appointments, and should highlight the privacy, confidentiality and documentation issues discussed above. A social media policy should also include a discussion of social media and its impact on the social work/social service work relationship.

Members are strongly advised to discuss their social media policy at the outset of their work with clients, as part of the informed consent process. As is the case with any consent, the client’s understanding of the matters covered in the consent form is critical: a paper form is not a substitute for a full discussion.

In the scenario described above, the member decided to discuss his use of text messaging with his supervisor, to ensure that he understood the organization’s policy and had considered security and documentation issues. He felt that the advantages of text messaging outweighed the potential risks in his setting. He also decided to explore the potential for making the use of communication technology a topic for an upcoming professional development day, and to collaborate with his colleagues on the development of a social media policy.

This article has discussed the challenges and opportunities associated with the adoption of new forms of electronic communication by social workers and social service workers in their practice. Members can ensure that they are practicing ethically and responsibly by giving these issues careful consideration, by ensuring they have the necessary knowledge and skills, by approaching technology-related

decisions with appropriate caution, and by ensuring that clients are well informed participants.

For more information, please contact the Professional Practice Department at practice@ocswssw.org

¹ Faye Mishna, Marion Bogo, Jennifer Root, Jami-Leigh Sawyer and Mona Khoury-Kassabri “It just crept in”: The Digital Age and Implications for Social Work Practice. *Clinical Social Work Journal Online Publication* February 11, 2012

² *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle II: Competence and Integrity, interpretation 2.2.10*

³ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle I: Relationship with Clients, interpretation 1.7*

⁴ *Code of Ethics and Standards of Practice, Second Edition, 2008, Principle V: Confidentiality, Interpretation 5.2*

⁵ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle III: Responsibility to Clients, interpretation 3.1*

⁶ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle II: Competence and Integrity, interpretation 2.2*

⁷ Reamer, Frederic G. *Eye on Ethics: Developing a Social Media Ethics Policy*. *Social Work Today* July 1, 2011 retrieved July 9, 2012 from http://www.socialworktoday.com/news/eoe_070111.shtml

⁸ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle V: Confidentiality, interpretation 5.1*

⁹ *Office of the Information and Privacy Commissioner* www.ipc.on.ca

¹⁰ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle V: Confidentiality*

¹¹ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle V: Confidentiality, interpretation 5.4*

¹² Frederic Reamer, keynote address, *Association of Social Work Boards Spring Meeting “e-World Ethics: Issues and Implications for Regulatory Boards”*, April 27, 2012

¹³ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle IV: The Social Work and Social Service Work Record*

¹⁴ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle IV: The Social Work and Social Service Work Record, footnote 1*

¹⁵ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle IV: The Social Work and Social Service Work Record, footnote 2*

¹⁶ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle III: Responsibility to Clients, interpretation*

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¹⁷ *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008, Principle V: Confidentiality, interpretation 5.4*

¹⁸ *Reamer, Eye on Ethics: Developing a Social Media Ethics Policy and keynote address, ASWB Spring Meeting, April 27, 2012*

¹⁹ *Cyber-counseling is a specialized practice. Members engaging in this form of practice should ensure that they are competent to do so, and that they have considered the relevant ethical, legal, jurisdictional and clinical issues.*